

Holes in IBT Financial Report Raise Questions

Missing Money, Missing Members

The International Union's financial report for 2002 is now out, and it reveals some shocking irregularities. Teamster members are entitled to honest answers to the troubling questions that are raised by the report.

Record Loss of Members

The report states that our union suffered the largest net loss in membership in history. According to the union's own documents, Teamster membership fell from 1,398,000 to 1,350,000 in just one year — a net loss of 48,000 members. In the mid-1990s our union started to grow once again. Then, after Hoffa took office, small losses in membership came each year. Now this enormous loss. Members deserve a full explanation.

Record Loss of Money

The report states that our net assets fell by \$61 million in 2002 — the same year as the largest dues increase in Teamster history. The \$61 million budget deficit is so astronomical as to draw into question the accuracy of the whole report. Did the IBT really lose this unbelievable sum? Or did our General President and Secretary-Treasurer sign financial documents that are inaccurate? Either way, members deserve a full explanation.

Record Boost in Housing Perks

The report reflects that three top officials dramatically hiked their "housing allowance."

Secretary-Treasurer Keegel received \$42,000, James Hoffa took \$30,000 and Hoffa's assistant Carlo Scalf bagged \$28,000. This housing allowance comes on top of the more than \$200,000 that they each take home from our dues money.

When Hoffa and Keegel ran for office, they bragged that they would sell the condominiums the IBT used to provide housing to some officials. (Ron Carey paid for his own housing). Hoffa and Keegel followed through on that promise. So now our union officers live in fancy D.C. hotels with our union dues picking up the tab!

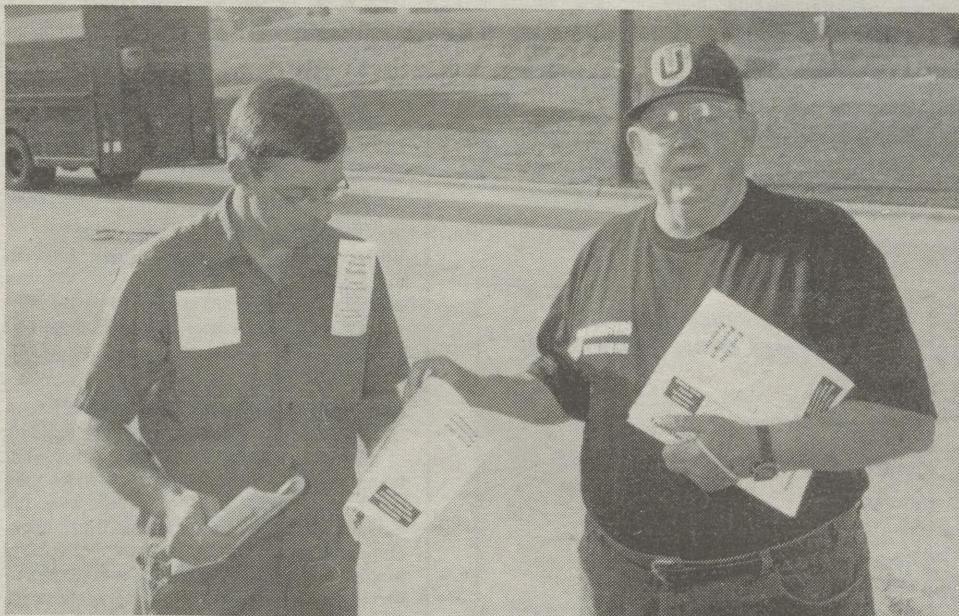
Our union could buy a house or condo for each of these officials at a great savings. Members deserve an explanation for this crazy practice.

Fraudulent Reporting

Once again, Hoffa and Keegel signed a financial report that under counts the number of Hoffa administration officials who receive multiple union salaries. This is the fourth consecutive year that Hoffa and Keegel have misrepresented these facts to the members and the Department of Labor.

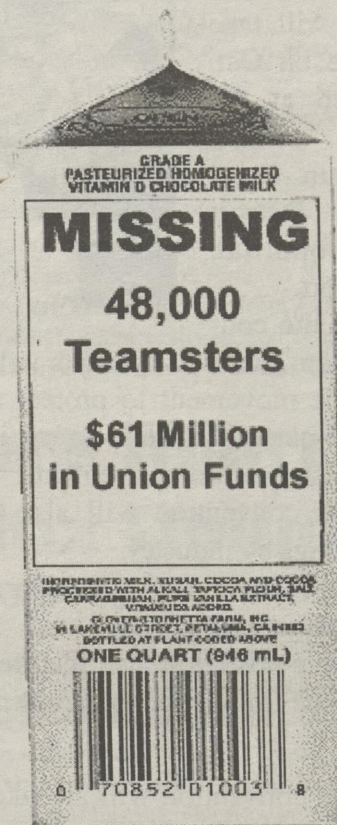
TDU Is Teamsters Taking Action

Members have a right to the straight story about how our dues money is being spent. TDU will be investigating and we will ensure that members get the facts on our union's finances — even if that takes legal action.



Members Spread the Word

North Carolina Local 391 member Frank Bryant spreads the word to fellow Teamsters about the Central States Pension Improvement Committee (CSPIC). Thousands of Teamsters have gotten involved in the movement to protect and improve our pensions in both the Central States and in the West. See pages 6 and 7.



TDU will also publish, after extensive research, our annual \$100,000 Club report with detailed information on our union's finances, including a complete list of all Teamster officials who take home more than \$100,000 a year in union salaries.

Are you concerned about our union's direction and finances? Are you glad that you can depend on TDU to be your watchdog and provide members with the facts? Then join TDU and help support the reform movement. See page 12 for details.

Note: This information derived from the LM-2 financial report for 2002 filed by the International Brotherhood of Teamsters with the U.S. Department of Labor. (This form is available at <http://union-reports.dol.gov/olmsWeb/docs/index.html>; however at the present time the Labor Department still has the form for 2001 posted.)

See Inside ...

New Technology at UPS	p. 4
Carhaul Bargaining	p. 5
Wage and Hour Laws	p. 10
Join TDU!	p. 12

Oct. 24-26, The Westin, Detroit Metropolitan Airport

TDU Rank & File Convention

The 2003 TDU Rank & File Convention will take place on Oct. 24-26 at the all new Westin Hotel at Detroit Metropolitan Airport.



At the convention Teamster activists will discuss the important issues in our union — the movement to protect and improve our pensions, organizing to build our union, democracy in our locals, and how we can spread the Teamster reform movement.

The convention will also feature many educational workshops and meetings by industry.

We'll elect our leadership for the coming year, while discussing the challenges that face us.

The convention also features time to meet and network with Teamster activists from throughout our union.

The Westin

The convention will all take place at the newly opened Westin Hotel. The hotel is located in the new Northwest Airlines terminal, with free shuttle service from other airlines. Hotel rooms will be available through TDU at \$90 per night, single or double, including all taxes.

What Will You Gain from Attending?

The TDU Convention is the premier Teamster event of the year. At the convention you will:

- ▶ Learn about and discuss major Teamster issues.
- ▶ Hear from Teamster leaders and labor experts and attorneys.
- ▶ Share information with Teamsters from your company or craft.
- ▶ Learn more about the growing movements for pension justice and develop future strategies.
- ▶ Choose from dozens of educational workshops and programs.
- ▶ Learn your rights and how to enforce them.
- ▶ Learn new tactics and strategies that work in contract campaigns and enforcement.
- ▶ Be a part of the growing movement for Teamster reform.

Make your plans to attend now!

Questions?

Call TDU at 313-842-2600.

Copyright © 2003 by Teamsters for a Democratic Union. Contents may be reprinted by labor unions or rank and file organizations for use in the promotion of union democracy. Employers and all others may not use these materials without the specific, written permission of Teamsters for a Democratic Union. If material is used, its source, TDU Convoy Dispatch, must be cited.

How to Contact TDU

We want to hear from you. Contact us at the addresses below for more information about TDU, or to send us articles or letters.

National Office: P.O. Box 10128, Detroit, Mich., 48210. Phone: (313) 842-2600. Fax: (313) 842-0227. e-mail: tdudetroit@tdu.org Website: www.tdu.org

NY Office: P.O. Box 170131, Brooklyn, N.Y. 11217 Phone: (718) 624-7746. Fax: (718) 875-9336. E-mail: tdu.east@tdu.org

Want to Register?

Registration forms will soon be available from TDU. Call us at 313-842-2600 to make sure you get a form or to register by phone.

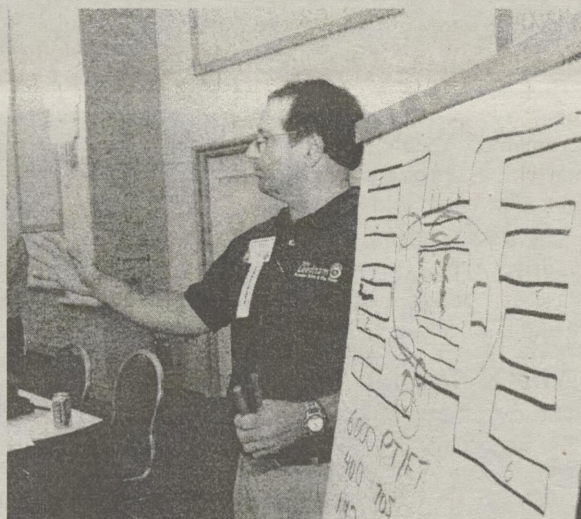
Register on the Web

You will also be able to register at www.tdu.org.

Your early registration helps us in planning the convention.

Your Input Wanted

Your input on what you would like to see at the convention — workshops, interest or industry meetings — is also encouraged.



TDU International Steering Committee

Co-Chairs:

Joe Fahey, Watsonville, Calif., Local 912
Maria Martinez, Pasco, Wash., Local 556
Michael Ruscigno, New York Local 802
Michael Savvoir, Kansas City, Mo., Local 41

Organizer:

Ken Paff, Detroit

Trustees:

Willie Hardy, Memphis Local 667
Erik Jensen, Minneapolis Local 320
Matt Latzo, Baltimore Local 570

Members:

Millie Gonzalez, Puerto Rico Local 901
Jim Jacob, Providence, R.I. Local 251
Roy Kruchten, Chicago Local 705
Ashley McNeely, Minneapolis Local 2000
George Saavedra, Vallejo, Calif., Local 490
Dawn Stanger, Vermont Local 597
Frank Villa, Los Angeles Local 630

Alternates:

Kirk Stephenson, Seattle Local 763
Louis Irby, Little Rock, Ark., Local 878
John Love, Reading, Pa., Local 429

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in November 2002 for one year. Our Rank & File Convention had over 400 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

Freightlines

Airborne Sale: Challenge and Opportunity

DHL Worldwide Express, a subsidiary of Deutsche Post, has agreed to buy the ground network of Airborne Express for more than \$1 billion. The Teamsters represent over 9,000 Airborne workers, including 800 pilots who would be employed by a separate company, ABX Air. In a press release, President Hoffa stated, "We reserve all of our rights as outlined in our Airborne contracts." The Airborne contract is a rider to the recently ratified Master Freight Agreement and negotiations are pending. There are also many Airborne stations covered by white paper contracts, including large units in New York, Chicago and Seattle. A meeting between Airborne and the union is scheduled for April 24 in Chicago.

Roughly 45 percent of Airborne drivers are organized under Teamster contracts. We need to preserve the wages, benefits and working conditions of this important sector of our union. The IBT also faces a golden opportunity of increasing our ranks by aggressively pursuing bargaining rights for all those nonunion drivers and hourly employees currently working for Airborne. DHL, and its parent Deutsche Post, need to hear a firm message that Teamsters want the entire new operation to be union. Here's a great opportunity for delivering an organizing victory.

No Discipline for Refusing to Give Up Your License

Freight Teamsters in New England have the right to refuse to surrender their driver's license for the purpose of reproducing it. Recently, more and more companies or customers are demanding identification from drivers because of heightened security concerns. There are fears among drivers that providing this information could lead to identity theft or other problems. In a memo of understanding dated Nov. 24, 2002 and attached to the recently approved New England Freight Supplement, representatives of the union and the company agreed that Teamsters will not be subject to discipline should they refuse to give up this form of driver identification. Teamsters from other regions should look for this, or similar language, in their supplements or memos of understanding attached to the new contract.

Bush Administration Mulls Hours of Service Plan

The Bush administration has forwarded the latest version of a reformed hours of service plan to the Office of Management and Budget for review. Sources said the regulations would technically take effect in June, but would not be enforced until October 2003. As part of an earlier settlement with safety groups, the new rules will be issued by May 31. While the government is keeping details of the new program off the radar screen, sources familiar with the plan report it might allow a driver to work a total of 14 hours per day, 11 of which could be driving. An IBT spokesperson said the union had not seen the proposal, but would oppose any increase in the number of hours truckers can drive. We agree. A change towards a 24-hour-clock can be positive, but any increase in driving time must be fought and stopped. This is a safety issue, a health issue and a job security issue as well.

Representation Lost at Overnite, What's Next for Organizing?

As of March, Teamsters representation remains at five of Overnite's 168 terminals: Memphis, Detroit, Buffalo, and Lexington and Bowling Green, Ky. At least 21 terminals have voted for decertification since last summer. Except for a few terminals, the votes have been extremely one-sided.

The best possible face to put on this painful loss is that the threat of Teamster representation forced Overnite to deliver improvements in wages and benefits to these nonunion workers. Our organizing victories in the 1990s were lost in a failed strategy by the Hoffa administration.

The campaign gave many Teamster members a clear sense of the range of issues affecting organizing. It's not easy, and it demands a Teamster commitment from top to bottom. Nearly a year ago, our dues were raised and we were promised a big portion would be put in a lockbox for organizing. At about the same time, the IBT hired a new organizing director. Time's up. We need a plan. Base the resources of the new organizing department on training members as organizers. And outline a strategy to organize in the trucking industry.

Real Wages Down

Real earnings for freight drivers, dock workers, and clericals are now at the same level they were in 1958, according to a recent study of the freight industry by Wayne State University professor Michael Belzer. Since 1977, freight workers have experienced a 30 percent reduction in real pay. Implementation of NAFTA could put further pressure on wages and working conditions. Union density in trucking is about 18 percent.

How is our International Union facing up to the problems in freight? Belzer concludes that, "The Hoffa regime has virtually abandoned national organizing efforts" and calls for a "major shift in union policy and strategy." Belzer, a former Teamster truck driver, has also published the book "Sweatshops on Wheels: Winners and Losers in Trucking Deregulation." Contact TDU to purchase a copy.

Freight Contract Ratified, Implemented

The National Master Freight Agreement was ratified on March 28; the International Union did the counting and reported results which add up to 36,966 Yes and 5,993 No. The contract has been implemented and freight Teamsters will live under it for the next five years.

The International is now negotiating with additional carriers to bring them under the same contract.

Contract books may not be available for months or even a year. TDU will make the contract available at www.tdu.org as soon as possible.

Local by local contract results, as well

as totals for all supplements, are available at www.tdu.org. Some locals known for having an active membership rejected certain supplemental agreements, or had votes which were close to 50-50 on supplements. Cleveland Local 407 rejected the road supplement, for example, and other Ohio local unions nearly did the same. Atlanta and some other active southern locals passed the road supplement, but by narrow margins. Some locals in Northern California rejected their supplemental agreement; the Joint Council 7 supplement there easily passed because of a very high Yes vote in Oakland Local 70.

Roadway Drivers Injured by Rebuilt Jifflox Dollies

Roadway drivers using rebuilt Jifflox converter dollies (also known by the brand name Kwik-Loc) are reporting serious injuries due to the equipment.

The converter dollies, which weigh 2,940 pounds, allow a two-axle tractor to be used in either a two or three axle configuration.

Drivers have had fingers crushed or cut off when dropping and hooking the heavy dollies manually and when the spring-loaded landing gear has become stuck and releases suddenly.

Others drivers report back injuries from having to move the dolly manually and from the rough, jarring ride when driving with the dolly configured in a three axle mode, due to its rubber block suspension. The dollies also lack anti-lock brakes.

Workers who report injuries caused by moving Jifflox dollies manually risk being written up and disciplined for "unsafe work habits." Company safety regulations say they should never be operated without a fifth wheel slide bar and should only be used on a level surface with no mud.

potholes, ice patches, etc. But drivers can't control conditions in a customer's lot and dispatchers discourage drivers from calling a vendor to obtain a slide bar if one is not available.

In some cases, the safety bar that keeps the spring-loaded landing gear from moving forward has been bent by overuse and the dolly leg will not crank high enough to allow the dolly to be hooked to the front trailer without manual lifting.

TDU led the fight against unsafe Jif-flox converter dollies years ago, in some cases winning million dollar settlements for injured drivers. New dollies possess spring suspensions, anti-lock brakes, and crank legs instead of spring legs. But in order to save money, Roadway is *rebuilding* older, unsafe converter dollies multiple times. Drivers have seen dollies up to 20 years old still in use.

Compromising driver safety is not the way for the freight carriers to save money. If you have experienced an injury caused by a Jifflox dolly, or are using one and have safety concerns, contact TDU at 313-842-2600.

Keep Your Workplace Informed

Order a Bundle of *Convoy Dispatch*

Prices per issue are

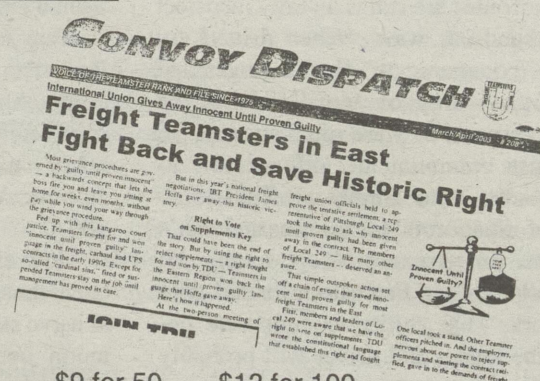
___ \$4 for 10, ___ \$6 for 20, ___ \$9 for 50, ___ \$13 for 100

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Return to: TDU, Box 10128, Detroit, MI 48210



As UPS Rolls Out New Technology, What Will the Impact be on Our Jobs and Working Conditions?

UPS Introducing New DIADs, Scanners and Sort System for Pre-Load

In the coming year UPS plans to make some of the most sweeping technological changes in the company's history. They will replace scanning technology and expand the use of smart label loading systems beyond the current pilot projects, roll out a new generation of DIADs and deploy new package check-in systems at customer counters and UPS Store locations.

Past experience with UPS and technology shows that jobs and working conditions will be affected. Our union needs to take steps immediately to sort out the potential impact, and determine what needs to be done to protect members.

Some of the possible effects of these technological changes include:

- Greater productivity demands.
- Increased stress.
- The loss of Teamster jobs.
- Less worker control over jobs.
- Greater management control and ability

Smart Labels to Dumb Down Preload

**Dawn Stanger
Local 597, Vermont**

I've worked on the Burlington, Vt., UPS preload shift for 13 years. Over that amount of time, my paycheck lost an hour a day. We used to start at 3:45 and now it's 5:25, down to the bare contractual minimum, but we have not lost volume. There has been a speed-up, in spite of the changes on weight limit, and now it culminates for all of us in the implementation of soon-to-come smart label technology.

With smart label UPS hopes that they'll then be able to hire anyone off the street to load, once their database is perfected.

How will it work and what will it mean for workers? Every loader in my center knows that management's database on how our routes are run is already incorrect in thousands of ways. When drivers try now to "communicate" chart changes that reflect the reality of actually doing the route to bosses, they are often stymied, so they just communicate information to their loader, who simply remembers it. That information is not on management's computer-run charts or loop details. So now, vehicles can be custom loaded with teamwork. That ability to cooperate between the loader and driver will probably end with smart label technology.

Initially, I think it will be a disaster. It'll take a long time to correct management's information about how routes are actually run. Once they finally get that information from us Teamsters, what will then change? Management will have total control on how drivers deliver their routes, I think.

to discipline.

- Health and safety hazards like repetitive strain and back injuries.

Pre-load Scan System

UPS is edging closer to its goal of using barcode-scanning technology in pre-load operations. Pilot projects in Oregon and other areas give some insight into how this will work and what it means for pre-loaders and package car drivers.

At the same time, new Bluetooth scanner rings will use wireless technology to transmit data. UPS will deploy over 55,000 rings, along with the Wi-Fi terminals that go with them, making the transition to wireless transmission within hubs.

Using the pre-load system, computer scanners read labels and generate load codes for the pre-loader. Clerks generate labels for any packages without codes.

I'm not sure that preloaders will have any time to actually look at the address label and correct problems for drivers. I've heard that the smart labels will not have apartment, suite, or even trailer park numbers, so stops will be higher than management plans.

What does UPS have to gain? First, our normal high turnover will possibly affect load quality less, if loaders don't have to know how to read or memorize.

But having freed loaders up from having to find businesses and streets on a chart before they can load them, we should have more time for other tasks.

So what will UPS have us do with all our free time? Tape boxes, firm up loads, work more safely? Pretty unlikely. Judging by past experience, I believe they'll want us to do more packages per hour.

That scares me. What if suddenly Big Brown raises the "numbers" (those non-contractual production standards that completely rule our workplaces)? I'm already expected to load like 200 packages an hour. What if UPS suddenly demands 300?

How effective has our union's "unity" been thus far at fighting off the present abusive standards? As it is now, I have my union benefits fund sending me letters about my chiropractor visits, asking if perhaps this could be due to a work injury? Last thing I'd want to do is fight UPS over whether or not I have a repetitive stress injury.

I already have a pretty nasty physical job. I fear that it is about to get worse, but I've heard nothing from my union about how to fight off the upcoming speed-up.

Instead of looking up sequence numbers, pre-loaders search the belt for packages with their route designation. A four-digit number tells them which shelf the package goes on.

Impact on Drivers

"The stress level was higher during the changeover," Oregon package car driver Doug Sabin explained. "Everything comes down hard and fast. Production demands go up for pre-loaders, and drivers are told to run it the way it is, even when it makes no sense."

"Since the change, UPS is telling everyone five more stops are expected daily. They boost production incrementally throughout the process. People are laid off and overtime grievances have gone through the roof."

"They are also watering down the bid route system by tearing routes out of the middle of loops. This lowers the comfort level of senior drivers and creates more stress for everyone."

DIAD IV

The new DIAD IV will operate up to four times faster than the existing transmission system. It will include a Global Positioning System (GPS) receiver, a color screen and short-range systems that will make it possible to send data without returning to the truck. UPS spent \$22 million to develop the new DIAD and

plans to spend \$127 million to deploy it.

The GPS system will give UPS the ability to track drivers' every movement. The wireless capability and faster transmission times could lead to pressure for greater productivity. The combination of the new pre-load system and beefed up DIADs raise the specter of daily changes in the number of drivers, since management will know the night before exactly what the route will be and how many drivers are needed and for how long, like they do in Air now.

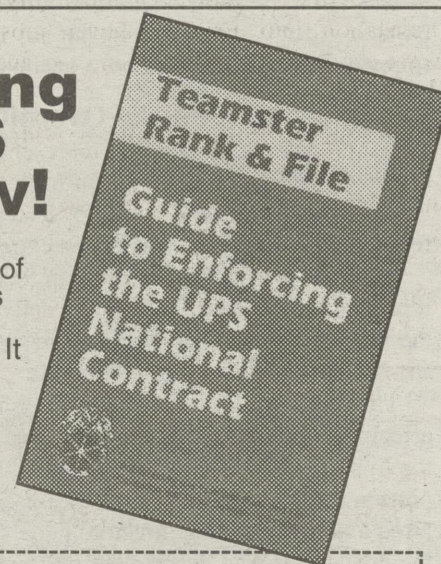
Union Must Take Action

Our union is largely silent on the effects of new technology on UPS workers and their jobs. The new pre-load system will take experience and skill requirements away from pre-loaders and drivers. Some advantages of new technology may be outweighed by the higher stress caused by the loss of some control over our work (or the greater control exerted by management).

This would be a good time for the Small Parcel Division to step up to the plate. The union has the right to do its own studies on the health and safety effects of technological changes. They have the right to request information from UPS on the new technology and its effects. They also have the wherewithall to produce materials that local unions and members can use to prepare for, and counter, the worst effects of these changes.

Start Enforcing the New UPS Contract Now!

This booklet explains the meaning of the most important contract articles and gives practical tips on how to use each article to win grievances. It also has a guide to common problems and an appendix with sample NLRB complaints, information requests and more. \$10.00 each



Please send me ___copies at \$10.00 each.

___Visa___MC

Card # _____ exp date: ____/____/____

___Check payable to TDU

NAME _____ LOCAL _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____ E-MAIL _____

Send to TDU, Box 10128, Detroit, Michigan 48210

Is There a National Strategy?

Carhaul Contract Talks Off to Slow Start

Reports coming out of the negotiations indicate that little progress was made in early bargaining for the new carhaul negotiations. More troubling is the fact that the union is running a two-track negotiation process: bargaining simultaneously and separately with the National Auto Transporters Association (NATA) and with Allied. NATA is made up of the seven other major carhaul employers: Leaseway, Cassens, PMT, Jack Cooper, E&L, Hadley, and Active (truckaway division).

It's no secret that Allied is out to get a substandard contract: we reported that last fall in *Convoy* when we interviewed Allied CEO Hugh Sawyer (CD #205). We think a clear policy statement is needed from the International Union: one industry, one contract. All carhaulers do the same work and should work under the same contract.

The way to do that is to bargain with NATA, then leverage Allied to hold all carriers to the same terms. This strategy has been used successfully many times in the freight industry, when one or another company, such as Yellow Freight, has tried to bargain a separate deal.

Protect Job Security

NATA is trying to claim that Article 5 seniority protections will not apply to Allied Teamsters, because Allied is bargaining separately. This is a mistake for the carriers and should be rejected out of hand by our union. This has to be a bottom line issue, and, in fact, a strike issue. If work goes from Allied to another carrier, or vice versa, Teamsters need the right to follow their work.

Without this, we will be played against each other, with wages and con-

ditions driven down in the process.

Pension Improvements Needed

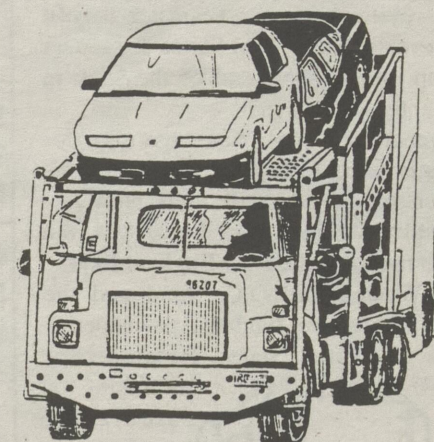
The International Union continues to be silent on bargaining to improve pen-

sion benefits, especially for carhaulers in the Central States Plan. This, too, is a bottom line issue. We can't go nine years without any pension improvements. No pension improvements, no contract.

► **One Unified Carhaul Contract!**

► **No Concessions on Seniority or Job Security!**

► **No Pension Improvements, No Contract!**



Questions for Doc Conder

Did Employers Mock our Chief Negotiator?

Every Teamster carhauler employed by Cassens, Leaseway, PMT, Jack Cooper, E&L, Hadley, or Active (truckaway) received a slick video in the mail, instructing us to "vote positively" on the first contract offer we see.

It was no surprise to get an employer propaganda film.

It was no surprise that the message was we are "all on the same team."

It was no surprise that it said we need to give the employers "flexibility" (translation into English: fewer jobs, worse conditions, pack a big suitcase, and more competitive wage cuts).

Union Fingerprints on Employer Video

The surprise was that the union leadership had fingerprints all over the film. It begins with a quote from Doc Conder, and it ends with a quote from Doc Conder. Conder is the Director of the Teamster Carhaul Division and chairs the negotia-

tions for our union. Members are featured right from Conder's own Local 41; also from International Vice President Randy Cammack's Local 63, and from Local 89, headed by negotiating committee member Fred Zuckerman.

Questions for Doc Conder:

- Did the employers go behind your back to use you so prominently, and to exploit members and stewards right in your backyard?
- Have you protested this insulting end-run by employers around you?
- Or, did you authorize this employer propaganda film?

Either the employers have slapped our union in the face by making a mockery of our negotiating chair, or the chair of our union negotiating committee gave the employers his blessing to feature him and his associates in their propaganda.

Teamsters deserve to know the answer.

Grievances:

Using the Grievance Procedure to Defend Our Rights and Build Power on the Job

The mechanics of the grievance procedure and organizing tips to involve members. \$8

Please send me ____ copies. ☐ check or money order enclosed.

Visa/MC # _____ Exp. ____ / ____

Name _____ Local _____

Address _____

City _____ State ____ Zip _____

Return to: TDU, Box 10128, Detroit, Mich. 48210

UPS & Downs

Deaf Workers Take on UPS Over Discrimination

Lawyers representing over 900 deaf workers have filed suit against UPS, charging the company with discrimination. The workers charge UPS with failing to provide interpreters for training and refusing to promote deaf workers into better paying jobs. UPS claims that it has been better than other companies at hiring deaf workers. But an attorney for the workers counters, "It is a shameful defense to say that deaf people are entitled to nothing more than an entry level job." The case went to trial in early April.

Kansas City Workers Sue UPS and Local 41 Over Firings

Two challengers to the Phil Young regime in Kansas City Local 41 have charged UPS and the union with colluding to fire them. Stephen Jones and Doyle Clark ran a slate against IBT VP Phil Young in the 2001 delegate election, then went on to win four spots on the executive board against Young's handpicked successors in the local. UPS fired them in the fall of 2002 for insubordination and job abandonment. Clark continues to serve as Local 41 recording secretary.

The Grocery Bag

Fleming Files for Chapter 11

Grocery wholesaler Fleming has filed for Chapter 11 bankruptcy. Shortly before filing for bankruptcy, Fleming shut down numerous distribution centers and laid off nearly 2,000 people nationwide in a move to appease lenders and investors. The Chapter 11 filing will allow Fleming to continue operations while it reorganizes its finances. Fleming could use Chapter 11 to reopen its labor contracts and seek concessions from Teamster members. At least one Teamster official thinks this is a good idea. Sebastian Busalacchi, Secretary-Treasurer of Local 200 in Milwaukee, Wisc., which represents about 220 Fleming employees, was quoted in the *Milwaukee Journal Sentinel* as saying that reopening contracts could help Fleming solve its financial problems.

Kroger Work Goes Nonunion

Ruan Transportation is laying off 118 Teamster drivers in Columbus after losing a distribution deal with Kroger. Kroger has given the transportation contract for its new distribution center in Delaware, Ohio, to a nonunion, owner-operator carrier based in Texas, Brisk Transport. The distribution work was previously done out of a smaller facility in the region by Local 413 drivers at Ruan. Kroger, which employees Teamsters in its warehouses and distribution centers around the country, is increasingly shifting work to nonunion contractors.

Review Shows Central States Benefits Lag Behind Other Teamster Plans

All Teamsters are equal. But some Teamsters are more equal than others.

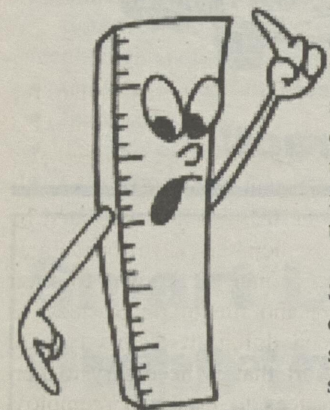
That's what Teamster participants in the Central States Pension Fund are discovering. A review of large Teamster benefit funds reveals that Central States Teamsters come up on the short end of the stick in retirement.

Numerous Teamster funds pay superior pension benefits to Central States, including the Upstate New York fund, New Jersey Local 177, New York Local 804, the Virginia fund and the New England fund.

The Washington, D.C., fund and the Western Conference fund also pay superior benefits to Central States. Because their

method of calculating benefits is substantially different, they are not included in this report.

Central States fund officials and some Teamster officials claim that the fund's frozen benefit levels are due to recent



Central States pension benefits fall short when measured against other Teamster plans.

stock market losses and the growing ratio of retirees to active workers.

Like any good excuse, there is some truth behind this. The stock market has declined in the last three years after several

How Central States Benefits Measure Up

	Central States	Upstate New York	New Jersey Local 177	New York Local 804	New England	Virginia
Standard 30-and-Out Benefit	\$3,000 a month	\$5,800 a month	\$3,700 a month	\$3,600 a month	\$3,500 a month	\$3,500 a month
Cost of Retiree Health Care	\$150 to \$200/month	\$340/month	\$50/month	\$166/month	varies ¹	\$50/month

1. New England locals jointly participate in the New England pension fund but are divided among a series of local and small regional health and welfare funds that have different rules regarding retiree health benefits.

years of record growth. The recent stock market decline has impacted the Central States fund — but no more than every other Teamster pension plan that pays higher benefits than the Central States.

All of the funds listed here have investments in the same financial markets as the Central States. Like the Central States, these funds also have a growing ratio of retirees to active workers. But unlike the Central States, these funds pay well over \$3,000 a month in 30-and-out benefits.

The benefits gap also cannot be explained by differences in the participant makeup of the funds.

Most Teamster funds that pay superior pensions have the same participant makeup as Central States — a mixture of freight, UPS, and grocery Teamsters as

well as members from other jurisdictions. This includes the Western Conference fund, Upstate New York, New England, and the Virginia fund.

A few Teamster funds in the East that pay better benefits than the Central States have only or predominately UPS Teamsters. This includes New Jersey Local 177 and New York Local 804. But these plans are the exception. Even if you take these funds out of the picture, you are still left with numerous funds with the same participant makeup but dramatically superior benefits to Central States.

The Central States Pension Improvement Committee is raising money for an independent actuarial study of the fund. We believe that study will reveal that the fund can afford to finance pension in-

creases.

This strategy has paid off in the past. In 1990, members formed grassroots committees across the Central States fund and raised money for an actuarial study. As a result, the Central States doubled the 30-and-out benefit, from \$1,000 to \$2,000 in the largest one-time increase in history.

Just like today, the trustees back then started out denouncing the pension movement. They mailed out a brochure explaining that they could not raise benefits. Then, under rank and file pressure, the trustees changed their minds.

Our goal is to change the course of the fund again. But first, we need the data in hand. Concerned Teamsters can help make the actuarial study happen by sending a donation to CSPIC at PO Box 5657, Savannah, Ga. 31414.

Western Pension Fund:

Is 'Full Funding' the Answer?

The Western Conference Pension Fund has announced a big cut in pension accruals, effective July 1. This cut, if it stands, will seriously diminish pensions of those who retire in the coming years. (By law the fund cannot decrease pension credits already earned.)

Teamsters in the West have formed the Western Teamsters Pension Improvement Committee (WESTPIC) and are calling on the trustees to rescind the cut.

The trustees are insisting that they must have "full funding." Below are answers to some questions on that issue. For more information, contact TDU.

Why were our pension benefits cut so drastically?

After several years of record growth, the stock market has been in a cyclical downturn.

As the cycle plays itself out the market will rebound. But, in the meantime, the trustees had to choose between keeping the pension fully funded or maintaining our

benefits at the historic minimum level set in 1987 (2 percent per year and 2.65 percent for members with over 20 years in the fund).

The employer trustees wanted to maintain full funding and cut our benefits. Our union trustees gave in to the employers. Thus the drastic cuts.

Don't I want my pension to be fully funded?

"Fully funded" has a reassuring ring to it. But it's important to understand what full funding is and who it serves.

Full funding means that if every single employer in the fund were to simultaneously go out of business, the fund would still have enough money to pay every Teamster their vested benefits.

But it is absurd to imagine that would ever happen.

That's why other Teamster pension funds can and do responsibly assure members' benefits with funding levels of 75, 80 or 90 percent.

Is there a downside to full funding?

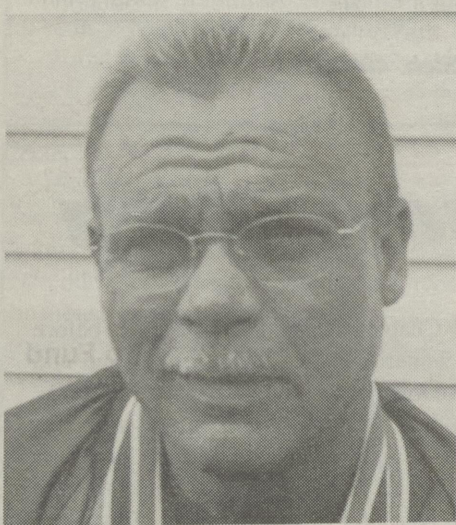
Yes. Because employers want full funding, our pension benefits are being slashed!

Trustees take cyclical market swings into account in their plans. But instead of riding out the latest dip in the market, the trustees have cut our pensions, in the name of full funding.

The market will recover, but our pensions won't. We will never make up the money we will lose while our accrual rate is slashed.

Concerned?

Contact WESTPIC at PMB #313, 10611 Canyon Rd. East, Puyallup, Wash. 98373 or at www.nopensioncuts.org. Or call TDU at 313-842-2600 for more information or materials.



"I don't understand why Central States isn't able to pay out on our pensions at the higher levels of some of these other Teamster funds. I think an independent audit is a great idea for figuring out where the finances stand. It's a key part of the campaign to make changes in the Central States Fund. Let's pull together and raise the money necessary for this study."

Bob Clark
Local 618, Yellow Freight
St. Louis

Interview with Attorney Ann Curry Thompson

The Reemployment Rule Lawsuit and the Fight for Central States Pension Justice

In April, *Convoy Dispatch* interviewed Ann Curry Thompson, the attorney handling the class action lawsuit (*Herman et al v. Central States et al*) on behalf of working Teamsters and retirees covered by the Central States, Southeast and Southwest Areas Pension Fund. We will continue to update members on the lawsuit and the broader issues in the battle for pension justice.

What is the basis of the lawsuit and what do you hope to accomplish?

This is a class action lawsuit on behalf of Central States Pension Fund participants to protect current and future Teamsters from unlawful and arbitrary restrictions on their right to work after retirement.

The lawsuit makes two basic claims.

The first is that the fund's recent amendments to the reemployment rule unlawfully "cut back" members' preexisting rights to have a job after retirement.

Second, the lawsuit claims that trustees have reinterpreted the "old" reemployment rules in a more arbitrary and restrictive way than before, which makes it increasingly impossible to work in any way after retirement.

The fund's newly announced "purpose" behind the rules is to cure the fund's financial woes by deterring and/or preventing retirees from taking the enhanced early retirement benefits they have earned.

The fund's previous explanation for the rules was to protect the fund against the nonunion sector.

What we hope to accomplish in the short run is to have the amendments to the reemployment rules declared unlawful cut-backs under ERISA; and to have the fund's current interpretation and application of the old rules declared to be arbitrary and capricious exercises of the trustees' authority.

In the long run, we would hope that the trustees will be encouraged to develop a

more narrowly drafted rule that is limited to the purpose of such rules and to develop clear guidelines for what is and is not prohibited in order that ordinary participants can organize their retirements in a reasonable way.

The fund says that they fixed the problem by suspending the changes to the reemployment rule. What is your response?

The trustees "suspended" only a part of the 2002 amendments — primarily the one that expressly eliminated a whole area of potential employment in the governmental sector.

The use of the word "suspended" by the trustees is important. The trustees have not promised that they will not implement this restriction or similar restrictions later. In fact, if one reads their bulletin carefully, it is fairly clear that the opposite it true.

The even more important point is that the fund left in place a series of other changes that, when compared to the old rules, further burden the members' preexisting rights to work while retired:

- they require mandatory suspensions and mandatory pay-backs, virtually regardless of the situation;
- they shift the burden of proof from the fund in order to require the retiree to prove that he/she is *not* working at a prohibited job;
- they increase a retiree's obligation to provide personal and confidential information about their income post-retirement;
- they provide that a spouse who is receiving a survivor pension or under a divorce court order will also have their benefits cut off, if the retiree is working at a prohibited job; or, if the retiree died owing the fund an overpayment created by having at some time in the past worked at a prohibited job.
- they eliminate any ability for a retiree *accused* of working at a prohibited job to escape a suspension and/or overpayment while appealing the fund's determination.

These changes are still in effect and so are their consequences — the demands for information, the ultimatums to quit jobs immediately, the suspension of pensions and demands for (in some cases) \$50,000 to \$90,000 in overpayments.

And remember, seven of the eight plaintiffs in this case are retirees who all suffered harm under the *old* reemployment rules, which, as is claimed in the lawsuit, are being interpreted in an increasingly restrictive way.

So, no, the suspension of part of the

amendments to the rules does not fix the problems that retirees and participants have had with the reemployment rules.

Where does the lawsuit stand?

We filed the suit in federal court in Chicago.

Rather than answer the complaint we filed (the more customary response),

the fund responded with a motion to dismiss the entire lawsuit. We have responded to the motion, and it is now up to the Court to decide. The plaintiffs feel they have a strong case. Assuming the fund's motion is denied, we will proceed to take "discovery," a process through which we can obtain the information from the fund that is needed to pursue the case on behalf of the class.

How can we win this fight?

The lawsuit is one tool that members and retirees have to fight for pension justice. The lawsuit can establish that the fund is in violation of the law. As a result, a judge can tell the fund trustees that they cannot continue with their current practices and that the fund must correct the past harm that occurred because of those practices.

But the establishment of fair reem-



Attorney Ann Curry Thompson consults with members at a CISPIC meeting.

ployment rules will take more than the lawsuit. A judge cannot tell the fund what kind of reemployment rules it should have. Only the trustees can write the rules.

Half of those trustees are appointed by the union. The members have to continue to make their concerns known to their union officers and the union trustees, as they have been doing. It is this type of grassroots effort that is necessary to persuade the trustees to establish reemployment rules that the members believe are fair and reasonable.

Want to get involved?

Contact CSPIC at PO Box 5657, Savannah, Ga. 31414 or at www.nopensionfreeze.com.

Or call TDU for copies of petitions and bulletins.

CSPIC Activity Grows

Milwaukee Members Challenge Nyhan and Gegare

On March 16 over 350 Teamsters jammed into the Milwaukee Local 200 hall for a presentation by Central States Fund Director Thomas Nyhan and Union Trustee (and International Vice President) Fred Gegare.

If Nyhan expected a warm reception he was in for a surprise. "Some guys came with letters from the fund telling them they can't work this or that job," Local 200 member Tim Buban said. "And they let him know exactly how they felt about shabby treatment from the fund."

Nyhan avoided addressing the reemployment rule. Instead, he kept beating the bad economy, bad stock market drum. Pressed on the issues, Gegare said: "I can assure every one of you that I feel your pain." Does he? In 2001 Gegare's compensation was \$211,082. And when Fred

retires he will receive at least three pensions, making it unlikely he will need to beg for the right to work as a janitor to make ends meet.

Local 61 Sends Letter to Fund about Reemployment Rule

Another local has asked the pension fund to clean up its act on reemployment rules. Members in Hickory, N.C., raised the issue and got the local to agree to send a letter. Roughly a dozen locals have done the same.

North Carolina Committee Kicks off Raffle

The CSPIC committee in North Carolina is organizing a raffle to raise funds for the pension campaign. First prize is an H&K shotgun, second prize \$100 and third prize a Teamster jacket. Tickets are available through CSPIC or TDU. The raffle drawing will be on June 28.

Want the full scoop on the Central States Pension Fund?

Check out **Questions & Answers on the Central States Pension Improvement Committee.**

This four-page report covers the most common questions on the reemployment rule, the pension freeze, the rising cost of retiree health care — and what members can do about it.

Available at www.nopensionfreeze.org or from TDU at 313-842-2600.



Labor Shorts



Oops!

The IBT has asked Rep. Joe Wilson (R-SC) to return a \$8,500 donation from labor-affiliated groups after President Hoffa received a fund-raising letter from Wilson denouncing unions. The letter refers to "violent organizing drives" and union thugs terrorizing communities. Wilson said the letter was sent to Hoffa by mistake.

Job Rights When Called to Active Duty

Workers in the Reserves or National Guard called to active duty should check the AFL-CIO website www.aflcio.org/reserverights for information on job protections and benefits during and following active duty.

Proposal to Expand Overtime Exemptions

Changes to the Fair Labor Standards Act proposed by the Bush administration would allow employers to classify more workers as exempt from overtime law protection. For more information visit www.aflcio.org.

New Hampshire Rejects 'Right to Work'

New Hampshire workers won a victory when the state House of Representatives overwhelmingly defeated right to work legislation. Union and community groups mobilized across the state to defeat the bill.

Compare Your Pay to the Boss

Check out www.paywatch.org for information on top CEOs' pay and benefits and how it compares to your own.

Lawyers Join the Teamsters

Twenty attorneys at a Phoenix law firm voted unanimously to join the Teamsters on March 14, after months of fighting with management over low pay and inadequate working conditions. The firm does work for Pre-Paid Legal Service, which gives members unlimited phone calls and consultations with a lawyer for a membership fee of about \$25 a month. The lawyers work in cubicles and are expected to handle 2.5 clients per hour. The firm has threatened a lockout; we imagine that legal action would follow.

Sweatshop Site Becomes City Landmark

Ninety-two years after the nation's worst sweatshop fire killed 146 workers at the Triangle Shirtwaist Co., New York City dedicated the site as a city landmark. UNITE President Bruce Raynor noted at the event that, "Sweatshops still exist today. Organizing a union is still the best way to make sure employers provide a safe workplace."

Quote of the Month

"So many people are following that path that he (Chavez) opened up. They believe in justice for workers. They believe in sacrifice, and they believe in nonviolence. They believe in peace."

Dolores Huerta, UFW co-founder, at a Cesar Chavez Day rally for Los Angeles janitors seeking a better contract.

Website of the Month

Want to know more about women in labor history? Visit www.afscme.org/otherlink/whlinks.htm.

Members on the Move

Members in Charge in N.Y.

Approximately 800 Local 237 members packed an April general membership meeting to debate proposals to strengthen the local by reforming its bylaws.

Reformers proposed amendments that would require the local to hold regular general membership meetings and provide members with more information and greater financial disclosure.

Local 237 President Carroll Haynes refused to allow a vote on a third amendment that would have capped his salary at \$150,000 a year. Haynes makes more than \$300,000 a year from three union salaries and a housing salary.

Two members of the Local 237 Executive Board, Nick Mancuso and Eunice Rodriguez, spoke in favor of the reform proposals.

After Haynes boasted that he "was in charge" of 23,000 Teamsters, a member spoke from the floor and corrected him saying, "We are in charge of you. You work for us!" to resounding cheers.

The reform proposals were narrowly defeated, but members consider it a victory. "Haynes had to pay for his votes. He had to bus people to the meeting and have the business agents tell them when to stand up. Our people came because they knew the issues and wanted to stand up for a stronger union," said New York City Housing Authority worker Chris Sullivan.

"It's amazing that Haynes only turns members out when it's to vote down proposals that would bring members together," said school safety agent Vincent Lattimore. "We're going to fight the divi-

sions and keep bringing members together to build a stronger union. This was just the first step toward that goal."

Chicago 705

Bylaw Victory

In March, Chicago Local 705 passed a bylaws amendment giving some members the right to observe contract ratification ballot-counting. Freight drivers responded to the appeal by UPS employees and joined together to approve the proposal.

In 2001, after years of debate, Local 705 passed a bylaws amendment replacing appointed stewards with elected stewards. This year, as in 2001, change came despite the leadership's opposition. Proposals that failed to get two-thirds approval include calls for electing some bargaining committee members and translating contracts into Spanish or Polish in some cases. The bylaws debate brought with it the flavor of open debate and democracy, often lacking in Local 705 meetings.

Carolina Education Conference

TDU will host a first-ever reform educational conference in Greensboro, N.C., on May 31. The event will feature a number of workshops, including ones conducted by attorneys Ann Curry Thompson and Paul Taylor, on Pension Rights and on Truck Safety issues. This will also be a chance for reform-minded Teamsters from throughout the Southeast region to come together to discuss common issues and hear about positive strategies for making our union stronger. Contact TDU for more information.



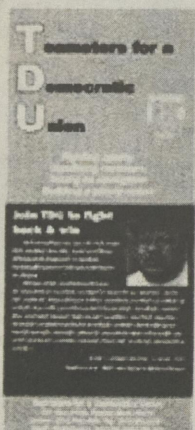
Longest Nurses' Strike in U.S.

One hundred striking nurses and community supporters massed at the picket line on April 14 in response to the city of Petoskey's threat to take down the strike tent outside Northern Michigan Hospital. The bargaining committee of Teamster Local 406 called a walkout on Nov. 4, now the longest nurses' strike in U.S. history. Set up in the fall and heated and staffed 24/7 through the long winter nights, the supply tent symbolizes the nurses' struggle.

Management has said the parties started out \$7 million apart. But it refuses to meet and has spent \$8 million trying to beat them. The NLRB has scheduled a trial on the hospital's unfair labor practices.

Nurses say the fight is about patient care, not money. More nurses are out now than when the strike began.

Letters to the local newspaper are running three to one in favor of the nurses. Photo by Ellis Boal.



New TDU Brochure!

A new brochure is available from TDU that explains what the Teamster reform movement stands for, what we've accomplished, and where we're headed.

It includes a membership form to sign up new TDU members.

Order your free copies from TDU today!

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Phone (____) _____

TDU, Box 10128, Detroit, Mich. 48210

Please
send me

copies

TDU Urges Flight Attendants to Stick with Teamsters

Representation Election Set for Northwest Airlines

In April the National Mediation Board (NMB) announced that there will be a vote between the Teamsters Union and the Professional Flight Attendants Association (PFAA) among 11,000 Northwest Airlines Flight Attendants. The vote could be held

as early as June.

The stakes are especially high for these Teamster members as several major airlines are in bankruptcy and have gutted union contracts, while others, now including Northwest, are demand-

ing concessions from their unionized workers.

TDU has consistently urged Flight Attendants to stick with the Teamsters, rather than go with the breakaway independent union. Despite problems with the current Teamster leadership, Local 2000 provides Flight Attendants a democratic and effective structure. While some of the PFAA leaders and activists are dedicated unionists and proven reformers, Local 2000 provides a better vehicle for what they want to accomplish.

Viable, Effective Structure

Local 2000 was created in 1992 by then president Ron Carey, as part of his campaign promise to Flight Attendants and in reaction to a raid by the Association of Flight Attendants. It was chartered by Carey but structured by Flight Attendants. One local was chartered (Flight Attendants were previously splintered into seven), with a democratic structure and bylaws, with the right to elect base reps at all nine NWA bases, and to elect a negotiating committee as well as officers who come from the ranks. That vision still stands as a viable and effective structure, but is under fire from two directions.

The PFAA wants to get out of the Teamsters and away from any larger union, and go independent. While some airline units have gone independent, probably more are moving into larger unions, seeking support and solidarity within the broader labor movement.

The Hoffa administration has also attacked the local's effective structure. First by attacking the elected leaders of Local 2000, and later by placing the local into trusteeship. The trusteeship leadership consists exclusively of Hoffa loyalists, although Hoffa got only 10 percent of the vote in Local 2000 in 2001. Recently the Hoffa trusteeship even further alienated West Coast base reps, who have endorsed the Teamsters but are outspoken supporters of reform.



They have supported the Teamsters in a positive, empowering way. The narrow, politicized, all-Hoffa-all-the-time campaign has hurt efforts to reach out and unite Flight Attendants.

Unite to Fight Concessions

What is needed is a program that brings Flight Attendants together to take on the problems of the industry and the concession demands of NWA. If Flight Attendants vote to stick with Teamster Local 2000, they should immediately convene a Council for the Future. This should consist of PFAA leaders and activists, base reps, other concerned Flight Attendants, and the elected officers of Local 2000 who were removed. This kind of council could work to unify Flight Attendants, and could plan for the upcoming Local 2000 election of officers. A slate bringing together the best of PFAA and Teamster supporters would be most likely to win. Most importantly, a unity approach can develop an effective strategy to deal with immediate concessionary demands and the continuing crisis in the airline industry.

No matter who wins the representation election, huge problems will lie ahead. The need to unite and build a broad based, membership-oriented leadership will face Flight Attendants. Local 2000's structure — and being part of the broader labor movement — will offer the better vehicle to accomplish these needs.

Tales from the Dark Side

Living Large in Atlanta

Atlanta Local 528 has been placed in trusteeship by the International Union. The local was headed by Ken Hilbish, the former head of the Warehouse Division under Hoffa.

The trusteeship notice states that Hilbish was charging thousands of dollars in personal expenses to the union credit card. He was also paying off his personal credit card, including late payment fees, from union funds. Apparently his multiple salaries, which totaled \$190,629 in 2001, weren't enough to cover his lifestyle.

Expenses that Hilbish charged to the union included \$750 a night hotel rooms in Las Vegas, "business meetings" with management on his pleasure boat in Florida, and travel, food and lodging for University of Alabama football games and trips to visit his fiancée in Tampa, Florida. Over \$2,000 in meals and lodging for Hilbish's wedding in Las Vegas were charged to the local, as was a \$740 digital camera purchased as a wedding present.

A trusteeship hearing is scheduled for April 30.

International VP Charged

Internal union charges have been filed against Dan DeSanti, International Vice-President and head of New Jersey Local 701, accusing him of trying to help a member of the Genovese crime family arrange a sweetheart deal to organize workers into the Teamsters at substandard wages. The employer was trying to undercut an organizing effort by another union. DeSanti is charged with working with Frank Walsh, a convicted racketeer and trucking company executive, to negotiate a substandard contract at a T.J. Maxx warehouse in Philadelphia and siphon the money saved to organized crime. The Teamsters subsequently lost the organizing drive.

DeSanti receives three separate salaries from the Teamsters Union. His total compensation in 2001 was \$192,777. This is the first time in Hoffa's four years in office that the International Union has brought a member up on internal union charges for associating with organized crime without being forced to by the Independent Review Board.

Cashman Indicted

A ten-count indictment was issued on March 14 against George Cashman, head of Local 25 in Boston and director of the International Union's Ports Division, accusing him of extortion, conspiracy, and accepting kickbacks.

This is the latest in Cashman's legal troubles. He will go to trial on April 22 on conspiracy, embezzlement and bribery charges that he conspired with three trucking employers to falsify time records in order to get certain members, including a convicted bank robber, onto the local's health and welfare plan.

On April 18 Thomas DiSilva, owner of one of the companies involved, pleaded guilty to his part in the scheme and faces up to 10 years in prison on two felony counts. DiSilva testified that he and Cashman split a \$100,000 kickback from a health care company.

Family Affair in New York

In January the IBT placed Elmsford, N.Y., Local 456 into trusteeship, based on a report and recommendation from the Independent Review Board. The local represents members in construction, building materials, gas and oil delivery and government workers.

The 3,800-member local has been dominated by the Doyle family for decades, with the last contested election held in 1971. Former president Edward Doyle Sr. was removed from office in 1999 after a scheme with a local car dealer; he was replaced by his brother Bernard Doyle, who was paid \$176,460 in 2001. Numerous family members hold positions in the local.

The IRB report charges include that B. Doyle charged the local over \$4,000 for meals consumed on the weekend near his home; the president of the local controlled who was allowed to become a member of the local; "suspicious relationships with employers;" and a lack of proper financial controls.

The removed officials have mailed a huge packet to every Teamster local, at a cost of many thousands of dollars, pleading their case and asking local officers to call on Hoffa to lift the trusteeship.

TDU Convention 2003

**The Westin
Detroit
Metropolitan
Airport**

**October 24 - 26
2003**

Teamsters Fight Back and Win Using the Fair Labor Standards Act and State Laws

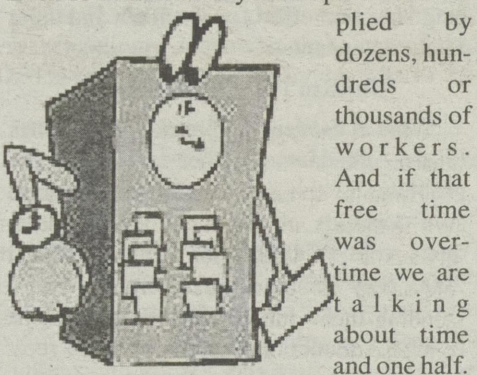
Workers Win Millions in Wage and Hour Lawsuits

The law most often violated by employers, and the cause of the most complaints by workers, is the Fair Labor Standards Act (FLSA). Teamsters, like other unionized workers, are often unaware of the FLSA because the protections it offers (minimum wages, the 40-hour workweek and overtime pay among them) are dealt with in the contract.

Yet Teamster employers violate the FLSA with a vengeance, to the tune of millions of dollars in lost pay.

Off-the-Clock Work

One of the largest violators is UPS, where workers are pressured into working off the clock, either before their workday or through their unpaid meal breaks. Many other Teamster employers do the same. Even 15 minutes a day adds up when multi-



plied by dozens, hundreds or thousands of workers. And if that free time was overtime we are talking about time and one half.

When it comes to this kind of violation:

- employers must pay for all work they knew about or should have known about.
- employees do not need documentation to bring an off-the-clock work suit.
- employees and their unions cannot waive a worker's right to be paid for hours worked.

Pre-Shift and Post-Shift Unpaid Work

In many industries employers simply don't pay for pre-production and post-production work.

The giant meatpacker Tyson/IBP, for example, routinely has paid workers only for time cutting meat on the production line, with pre-production, meal break and post-production work left unpaid. Workers needed to collect safety equipment, maintain the equipment and wash the equipment on their own time. IBP is now appealing a \$3.1 million judgement against it in a class action victory won by TDU members at its Pasco, Wash., plant.

Failure to Pay Overtime Wages

The FLSA and many state statutes give workers the right to be paid overtime, typically for work in excess of 40 hours per week. There are dozens of overtime exemptions, many of which were handed out to lobbyists as if they were Halloween candy. Don't accept your employer's word on whether you are exempt. The law is complicated and changing.

Route Sales and Overtime

There are various exemptions that apply to outside salesmen and commission-paid retail employees. However, exemption defenses that were once valid may fail as

industries change. For example, many bakery delivery drivers used to be exempt as outside salesmen. Much of their work involved selling to mom-and-pop stores on their routes. These days, however, with about four supermarket chains dominating in the United States, the drivers tend to be primarily drivers and stockers, rather than sales personnel. Pepsi, Coke, Frito-Lay, ITT Baking, Entenmanns and other companies are finding that they need to pay overtime premium pay to their drivers. (See below.)

Salary, Piece Work and Commission

More than a few employers say they do not have to pay overtime to workers if they are paid salary, piece rate, commission or some other non-hourly rate of pay. This is often wrong. Salary, commission or other non-hourly pay never, by itself, relieves the employer from the obligation to pay overtime. The employer must rely on an overtime exemption, although some exemptions are related to the method of compensation. For example, salaried executives, administrators and professionals are overtime exempt, as are commission-paid retail employees whose hourly rate works out to more than one-and-a-half times the minimum wage.

Teamsters Who Have Won

- In *Personette v UPS* approximately 1,100 Washington State package car drivers won \$12 million in a case involving unpaid work off the clock, mostly during their one-hour lunch.
- 4,000 Illinois UPS package car drivers won \$7.25 million in back pay (and would have won much more but old-guard Teamsters joined the trucking industry in obtaining the repeal of state law overtime rights of truck drivers!).
- Local 556 production workers at IBP won a \$3.1 million FLSA and state law judgment, which both sides have appealed to the Ninth Circuit Court of Appeals. Many workers will recover \$3,000 to \$11,000 if the trial court's judgment is affirmed on appeal.
- New Jersey Pepsi Teamsters won big last year when the New Jersey Supreme Court affirmed a lower court ruling that route drivers were not sales personnel and therefore not exempt from overtime provisions. Over 400 Local 125 members will be awarded a multi-million dollar settlement.

Nonunion workers are also using the FLSA and state law to take on major corporations. Two thousand Taco Bell workers recovered \$3 million dollars in Washington State for off-the-clock work following a jury verdict that the company cheated workers. Wal-Mart faces 39 class action lawsuits involving hundreds of thousands of workers seeking tens of millions of dollars. The company reportedly paid \$50 million two years ago to

settle an off-the-clock lawsuit covering 69,000 workers in Colorado, and it recently settled for \$500,000 a case involving 120 workers in Gallup, N.M.

Using FLSA and State Laws

The Wage and Hours Division of the U.S. Department of Labor enforces the FLSA, so complaints can be filed with that office. You also have the right to file your own lawsuit, using your own attorney. Many states have their own wage and hour laws, some of which are stronger than the federal law on some points.

The FLSA and state laws make the employer pay your attorney if you are successful, so an experienced attorney should be willing to represent you without charge if you have a good claim, even if it is only for a few hundred or thousand dollars.

Workers who are overtime exempt under the FLSA may have valid overtime claims under more favorable state laws. The UPS lawsuits have been brought

under state laws that lacked the FLSA exemption for drivers subject to the Federal Motor Carrier Safety Act.

It is critical to get advice from an experienced wage and hour attorney before filing suit.

Class Actions

Many wage and hour cases are well-suited for class action treatment. A small group of employees and/or former employees can get court approval to represent all other workers who have similar claims. Employers do not like this. If you have an FLSA claim, only those workers who sign written consents can be included in the case. If you have a state claim, often all workers with similar claims will be in the class action, unless they file exclusion forms with the court.

For further information, contact TDU. Special thanks to attorney David Mark of Seattle who has been involved in several of the cases referenced in this article. Mark will lead a workshop on this topic at the TDU Convention in October.

California UPS Drivers File Suit for Back Pay

UPS drivers in California, fed up with being forced to work through lunch and rest breaks, are taking action. A group recently filed a class action lawsuit in Superior Court on behalf of both current and former UPS package car drivers.

The lawsuit alleges that UPS's business practices violate state law by not providing adequate meal and rest periods, illegally combining meal and rest periods, not providing additional meal periods for time worked over ten hours, and illegally docking drivers' pay for meal periods not taken.

This lawsuit could be huge. A similar suit was settled by UPS for \$12 million ten years ago in the state of Washington, and this case is potentially much bigger.

Rank and File, Lawyers Meet

On April 12, despite a heavy downpour, 50 UPS Teamsters from various centers in the East Bay (Oakland area) district met with attorney Wendy York of Cutter, Ratinoff, and York. Four more such meetings are scheduled for the Los Angeles area on the weekend of April 26-27. Even experienced stewards were surprised by how badly UPS is violating state wage and hour laws.

UPS employees' rights on wages and hours are protected both through our collective bargaining agreement and California labor law, enforced through the Industrial Welfare Commission.

State law requires UPS to post Commission Order 9-2001 at all centers. Management has never done so. Why not? Many UPS Teamster will say "money" — and lots of it. UPS saves millions by forcing employees to work through lunch

and breaks.

The Order 9-2001 requires:

"Every employer must permit an employee to take a paid ten-minute (our contract requires 15 minutes) rest period for every four hours worked. ... If the employer fails to provide a rest period ... [it] shall pay the employee one hour pay."

Many UPS employees are unable to take their breaks in accordance with state law due to the time commitments for Next Day Air service, Early AM, Next Day Savers, and afternoon pick-ups.

For a shift exceeding ten hours an employer is required to provide employees with a second 30-minute meal period. Our contract provides for a meal of one hour, exceeding California's minimum standard. UPS violates this portion of the labor code every day.

Uninterrupted Meal Break Required

For a shift over five hours, a 30-minute meal period must be provided. Unless you are relieved of duty (meaning management cannot interrupt your meal period for any reason) the meal period counts as time worked. Any interruption is a violation of state law and entitles you to be paid for the meal period and an additional one hour pay.

Attorney Wendy York expressed her firm's willingness to work with the Teamsters Union on this lawsuit, but the lawsuit will proceed with or without official union help.

If you are a California UPS driver, you can obtain additional information or join the class action lawsuit by contacting Wendy York at 888-285-3333 or www.paydrivers.com.

Using Your Computer to Organize for Teamster Reform

With more and more Teamsters getting computers and going online, your home computer can be a helpful organizing tool for building Teamster reform. Of course, nothing takes the place of one-on-one organizing, but this article will outline for you some ways to enhance your organizing using computers.

Using computers to build your network

In TDU we stress network building — creating and using a network of supporters in your workplace or local. With a computer and access to the Internet, you have a quick, easy, and cost-effective way of reinforcing and expanding your organizing network. Here are some ways to do that:

► Create e-mail lists

The simplest way to use your computer to share information is to collect e-mail addresses and use them to send messages or to gather information from contacts. As your list grows you may want to divide it into different groups. For example, you may want a separate group for stewards, or you may want to sort your list by company or by shift.

Almost all e-mail programs, like Outlook Express or Yahoo! Mail, have an "Address Book" feature that allows you to create "group names." This allows you to use one address to mail to an entire group of people. Using the examples above, you could have group names like "stewards," "AM shift," and "PM shift."

► Listserves

As your e-mail list grows beyond a few dozen names, you might find that you run into problems with your list. Some people might not get your messages, and you might even get messages from your Internet Service Provider (ISP) saying that they can't deliver your message. That's because many ISPs have protection mechanisms to prevent people from sending out junk e-mail, also known as "spam".

The way around this problem is to create what's called a listserve, or e-newsletter. Some companies like Yahoo! (<http://groups.yahoo.com>), Topica (<http://www.topica.com>), and others allow you to set up listserves for free.

With your listserve set up, you can create much larger lists than with just your own e-mail program. If you want, you can also turn your e-mail list into a "discussion group," so that people on your list can

trade ideas with each other (note: see below for some problems to watch out for if you choose this option).

A listserve may make the most sense if you want to communicate with members who work elsewhere for your company, or if you're in a large, spread out local. For example, TDU has the "UPSdefendernet" listserve that reaches thousands of UPS members around the country and just focuses on UPS issues.

► Databases

Sending out e-mail messages is all well and good, but to maximize the effectiveness of your network, you want to know more about your contacts than just their e-mail addresses. You want to be able to get in touch by more traditional means, like phone or regular mail. You want to know where people work, what shift they're on, when the best time to reach them is and more.

As your network grows, you'll quickly find that keeping track of all that information can get pretty tricky. That's where a computer database program like Microsoft Access can come in handy. TDU has developed a powerful and easy-to-use "Rank and File Power Organizer" database specifically for Teamster activists. Contact TDU for information or a copy.

With a database program, you can quickly print out mailing labels instead of hand addressing a bunch of envelopes. You can also keep track of phone numbers and print out phone calling lists when you need to do phone banking for an important meeting or election campaign.

► Websites

If you've got a hot campaign up and running, or a big workplace issue that you want to share information about, you

might think about setting up a website.

You wouldn't be alone.

Thousands of labor websites have popped up in recent years, including many rank and file sites. Some are quite good, some okay and some not very good at all.

When well-run, websites can be an effective organizing tool. The Central States Pension Improvement Committee website, at www.nopensionfreeze.org, is a good example. Thousands of members have signed a petition for improved pen-

sion benefits online. They have also been able to download leaflets, newsletters, and paper copies of the petition for members who aren't online. It also provides a visible face to a rank and file campaign.

Other rank and file sites, like The Conscience of 294 (www.co294.com) and www.roaddrivers.com have also been successful.

A website requires some financial resources, but the biggest commitment is the time to keep it updated.

The big challenge with a website is to be able to post new information frequently. This is not as easy as it sounds, unless you are willing to just throw any old thing up on the site. Contact TDU for pointers on creating an effective website.

Pitfalls to avoid

Computers and the Internet can definitely help you boost your organizing. However, they also present drawbacks and limitations you need to be aware of:

► Don't let one-on-one organizing get lost

Make sure that computer activity doesn't substitute for other one-on-one organizing, like leafleting and direct membership contact. It can feel very productive to sit at the computer. But there is no substitute for talking to people directly and for involving them in your organizing plans.

► Goals and accountability

Decide what your goals are as a reform group or caucus for using an e-mail network or website. Your communication should reflect the goals of the group, not just of one individual.

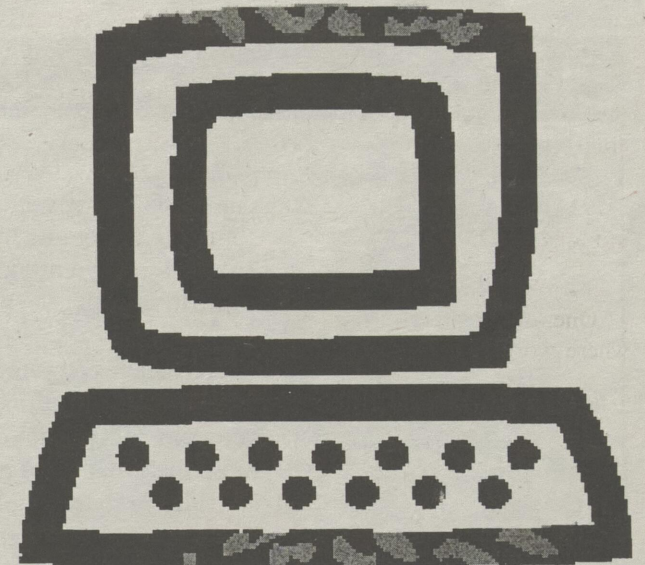
Since it is often one person in a group in charge of e-communications, that person should be careful to review material with others.

► Content matters

There is a tendency to feel that we can just send out messages without worrying much about what we're saying or how we're saying it. While e-mail messages to lists don't have to be as formal as a slick flyer, you should make sure that the information is meaningful or helpful.

► Remember who's out there

Before you hit that send key or upload a story to your website, keep in mind that



anyone may end up seeing your communication, including employers and the old guard.

E-mails can be printed out or forwarded. While there's no reason to be paranoid, it's always a good idea to give your e-mail messages an extra read-through before sending them out. If possible, have someone else double-check your writing.

Message boards and discussion groups

Many people setting up a website or listserve like the idea of having an open message board or discussion group, where anyone can come and post their opinion on a given topic.

Initially, this may sound like a good idea. After all, as union reformers, we believe in sharing information. In practice message boards and discussion groups can be a bit more complicated.

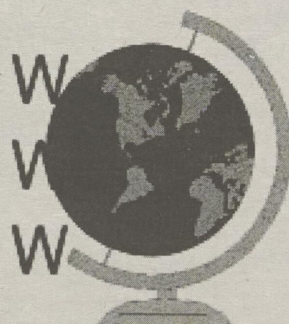
Since message boards and discussion groups are usually anonymous, it's hard to tell the reliable information apart from the rumors. Unless you personally know the person posting the information, it's very difficult for you as a reader to decide how credible the information is.

Also, the cloak of anonymity that the Internet provides has a way of bringing out the worst in some people. If you look at some computer bulletin boards, you often find that a few cranks with time on their hands dominate the discussion with anonymous and none-too-brainy comments. If that happens, other people tend to get turned off and stop visiting.

TDU can help

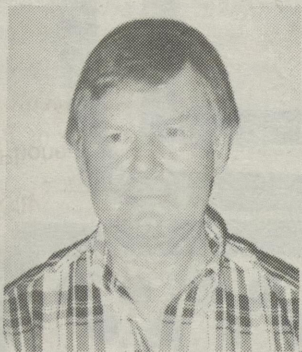
As with any type of organizing, effective computer-based organizing can take some time to learn. Fortunately, TDU can help you learn the ropes.

We are in touch with many experienced computer users who can help you figure out how to make your computer an effective organizing tool.



3 Steps you can take to building a stronger Teamsters Union:

Step 1: Join TDU



"It's one thing to say you want reform in our union, but it's another to actually do something about it. Joining TDU is a great way to get started with doing something."

"Sure, when you join you'll get all the facts and information that you can only get from TDU. But you get something more than that. You get the strength and confidence that comes from knowing that you're a part of this whole reform

movement in our union, and we're all pulling together in the same direction.

"The way I see it, there aren't too many better ways for you to spend \$40 than by joining TDU today."

Tommy Burke
Local 391, UPS
Fayetteville, N.C.

Step 2: Come to the TDU Convention



"I'm planning to attend the TDU convention in Detroit this year. It will be the third TDU convention I've attended. Every year there are so many useful workshops that are offered, and I can never attend them all. I'm really looking forward to attending the ones I couldn't attend last year."

"I'm also looking forward to meeting Teamsters from all over North America who are facing similar problems as I

am. Our company is being hit hard by the crisis in the airline industry, so the TDU Convention is a place where I can swap ideas and learn from fellow Teamsters who are facing those same challenges head on.

"I encourage anyone who is serious about the future of our union to attend the TDU convention this year."

Luis Ramos
Local 572, Gate Gourmet
Los Angeles

Take Your First Step Today!

Join TDU

TDU MEMBERSHIP APPLICATION

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Phone (____) _____ Company _____

e-mail address _____

☐ City ☐ Road ☐ Dock ☐ Clerical ☐ Warehouse

☐ Construction ☐ Production other _____

____ \$40 one-year membership & subscription to *Convoy Dispatch*.

____ \$95 three-year membership fee.

____ \$25 for spouses, and Teamsters who gross less than \$22,000 a year.

____ \$25 for retirees. Retired from Local _____

Check or money order

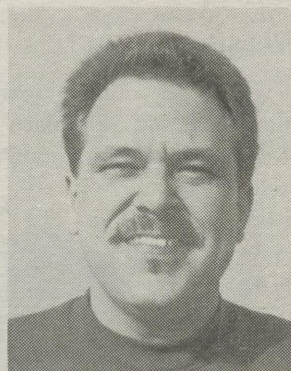
Mastercard/Visa # _____ Exp. date ____/____/____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential. TDU solicits and accepts membership applications and donations *only* from Teamsters, retired Teamsters and spouses who are not employers. Only funds from Teamster members and their spouses can be used for campaign purposes.

Step 3: Spread the Word!



"'TDU is the only way that you can really have a voice in our union.' That's what I tell members when I ask them to join TDU."

"For me, asking other people to join TDU is an important part of being a TDU member. The more people join TDU, the louder our voice is."

"Recruiting to TDU takes time, but you've got to keep at it. There are guys

I've been talking to about TDU for months, and they would keep putting me off. But then when our local was put in trusteeship, those same people came up to me asking me to sign them up."

"I can see what TDU's done in the past to reform our union, but we've still got a ways to go. That's why you need to stay active, spread the word, and get others to join TDU too."

Charlie Helton
Local 528, Roadway
Chattanooga, Tenn.